

**IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF ALABAMA
WESTERN DIVISION**

TERRY LYNN LIGON,)
)
Plaintiff,)
)
v.) Case No.:
)
)
BURRELL FITCH ADRIANCE; and)
HENRY AND HENRY, INC.,)
)
Defendants.)

NOTICE OF REMOVAL

COME NOW the Defendants, Burrell Fitch Adriance and Henry and Henry, Inc., the only named Defendants in this action, and pursuant to 28 U.S.C. § 1441(a) files this Notice of Removal and hereby removes this action to this Court from the Circuit Court of Marion County, Alabama. In support of this Notice of Removal, Defendants state as follows:

1. This is a civil action filed in the Circuit Court of Marion County whereby the Plaintiff claims that the Defendant Burrell Fitch Adriance, as an employee of the Defendant Henry and Henry, Inc., was guilty of negligence, wantonness, and other misconduct by improperly operating a commercial motor vehicle causing it to come into contact with the motor vehicle of the Plaintiff. Plaintiff claims both compensatory damages and punitive damages

2. This action was commenced by the Plaintiff filing his Complaint in

the Circuit Court of Marion County on or about October 7, 2021. The Complaint as originally filed made no specific demand for a monetary judgment and no such amount was claimed until July 21, 2022, by correspondence from the attorney for the Plaintiff to the attorney for these Defendant. (Attached hereto as Exhibit A). Both Defendants previously answered the Plaintiff's Complaint. A true and correct copy of the original Complaint and all other pleadings are attached hereto marked as Exhibit B.

3. This action was served upon Defendant Burrell Fitch Adriance on October 21, 2021. Defendant Burrell answered the Complaint on October 27, 2021. This action does not appear to have been served upon Defendant Henry and Henry, Inc., but Defendant answered the Complaint on October 27, 2021. This case did not become removable to this Court until a monetary demand was made in the amount of \$850,000 by way of correspondence. (See Exhibit A). Upon receipt of that monetary demand, this case became removable because it was an action between citizens of different states and the amount in controversy exceeded the sum of \$75,000.

4. This action is removable under 28 U.S.C. § 1441(a) because it is a civil action over which this Court has original diversity jurisdiction under the provisions of 28 U.S.C. § 1332.

5. There exists complete diversity of citizenship between the Plaintiff

and the Defendants. The Plaintiff is a resident citizen of Heflin, Cleburn County, Alabama. The Defendant, Burrell Fitch Adriance is a resident citizen of Elberton, Georgia. The Defendant, Henry and Henry, Inc. is a Kentucky corporation with its principal place of business located in Marion, Kentucky and as such both Defendants are citizens of a state other than the state of the Plaintiff's citizenship and the state where the action is pending.

6. While the Complaint, as originally filed, does not state a specific amount of damages being claimed, Plaintiff in the original Complaint did demand both compensatory and punitive damages. Effective July 21, 2022, Plaintiff made a settlement demand upon the Defendants in the amount of \$850,000.

7. Both Defendants deny they were guilty of any negligence, wantonness or other misconduct which would entitle the Plaintiff to recover any damages, but it is evident, based on the information developed to date, that the amount in controversy may reasonably exceed the required jurisdictional amount of \$75,000 exclusive of interests and costs.

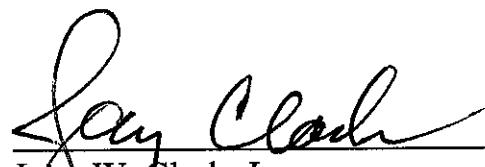
8. This Notice of Removal is timely filed pursuant to 28 U.S.C. §1446(b) in that this Notice of Removal is being filed within thirty (30) days after the Defendants' receipt of Plaintiff's settlement demand making the amount in controversy an amount in excess of \$75,000 exclusive of interests and costs.

9. Written notice of filing of this Notice of Removal is being sent to the

Plaintiff's attorney, being the only adverse party. A Notice of Notice of Removal is being filed with the Clerk of the Circuit Court of Marion County, Alabama as provided by 28 U.S.C. §1446(d).

10. The undersigned has read this Notice of Removal and to the best of the undersigned's knowledge, information, and belief, formed after a reasonable inquiry, the undersigned represents that this Notice of Removal is well grounded in fact as well as warranted by existing law. The undersigned certifies that this Notice of Removal is not being interposed for any improper purposes such as to cause unnecessary delay, or a needless increase in the cost of litigation.

Done this the 19 day of August, 2022.



John W. Clark, Jr.
ASB-2581-c61j

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Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on this the 15th day of August, 2022, the foregoing was electronically mailed to the U.S. District Court for the Northern District of Alabama, Western Division for filing. I hereby certify that on that same day, participants to whom the foregoing is due will have a copy of same sent via electronic mail.

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Of Counsel